



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/566,124

01/08/2009

Stephan Simon

10191/4219

4209

26646 7590 06/02/2011  
KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT

PAPER NUMBER

3667

MAIL DATE

DELIVERY MODE

06/02/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/566,124	SIMON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MARY CHEUNG	3667	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(c)/Mail Date <u>1/25/06; 10/14/03; 9/30/03</u>                                | 6) <input type="checkbox"/> Other: _____                          |

***Status of the Claims***

1. This action is in response to the applicant preliminary amendment filed on January 25, 2006. Claims 1-8 have been canceled. Claims 9-16 have been added. Claims 9-16 are pending and examined below.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9-12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Waters, EP 1 030 188 A1.

As to claim 9, Waters teaches a device for classifying at least one object in a surrounding field of a vehicle, comprising (§ 10, 20-21):

- an environmental sensor system (§ 10); and
- a classifier that classifies the at least one object based on a three-dimensional shape of the at least one object and dimensions of the object, the environmental sensor system ascertaining the shape and the dimensions (§ 20-21; *e.g. analyze 240*).

As to claim 10, Waters teaches the classifier is configured to take into account, during the classification, a velocity of the at least one object according to at least one of magnitude and a direction (§ 20).

As to claim 11, Waters teaches the classifier is configured to take into account, during the classification, an orientation of the at least one object (§ 20).

As to claim 12, Waters teaches the classifier is configured to check validity of the classification using data from a database (§ 20-21, 26-27).

As to claim 16, Waters teaches the environmental sensor system includes at least one of a stereoscopic camera, a monoscopic camera having a stereo motion sensor, a LIDAR sensor, and a scanning radar sensor (§ 10, 20).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waters in view of Strumolo, US 2003/0114964 A1.

As to claim 13, Waters does not specifically teach the device is coupled to at least one vehicle system in such a manner that the device controls the at least one vehicle system as a function of the classification. However, Strumolo teaches this matter (§ 44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the device in Waters' teaching to be coupled to a vehicle system as taught by Strumolo for improving driving safety.

As to claim 14, Waters in view of Strumolo further teaches wherein the vehicle system is a protection system (Strumolo: ¶ 44; see claim 13 above for rationale supporting obviousness, motivation and reason to combine).

As to claim 15, Waters in view of Strumolo teaches the vehicle system is a driver-assistance system (Strumolo: ¶ 44; see claim 13 above for rationale supporting obviousness, motivation and reason to combine).

***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone numbers for the organization where this application or proceedings is assigned are as follows:

Art Unit: 3667

(571) 273-8300 (Official Communications; including After Final  
Communications labeled "BOX AF")

(571) 273-6705 (Draft Communications)

/Mary Cheung/  
Primary Examiner, Art Unit 3667  
May 31, 2011